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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.: 8:18-cv-02223-JLS-JDE

Date: August 09, 2023

Title: In re: Hyundai and Kia Engine Litigation II

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Present: **HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Gabby Garcia  
Deputy Clerk

N/A  
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendant:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER RE JOINT NOTICE OF  
INADVERTENT OMISSION OF CERTAIN CLASS  
MEMBERS (Doc. 121)**

Before the Court is the parties' Joint Notice alerting the Court that due to an administrative error, class members who are owners and lessees of 2017-2020 model year Kia Optima PHEVs have not yet received notices of the class settlement in this action. This omission affects approximately 2,815 vehicles, roughly 0.2% of the Kia Class vehicles and 0.1% of class vehicles overall.

To remedy this error, the parties propose disseminating notice to the affected class members via email the week of August 14 and via mail the week of September 5. (Doc. 121 at 2.) The parties also propose extending certain deadlines for affected class members. The Court APPROVES the following deadline alterations:

- For claims that must be submitted by December 7, 2023, where the notice specifies that the date of the Qualifying Repair must have been performed on or before June 7, 2023, the Qualifying Repairs can instead have been performed on or before September 5, 2023. For Qualifying Repairs occurring after September 5, 2023 (instead of June 7, 2023), claims must be submitted within 90 days of when the Qualifying Failure or Qualifying Fire occurred.

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- For claims that must be submitted by December 7, 2023, where the notice specifies that the date of the Qualifying Failure or Qualifying Fire must have occurred on or before June 7, 2023, Qualifying Failures or Qualifying Fires can instead have occurred on or before September 5, 2023. For Qualifying Failures or Qualifying Fires occurring after September 5, 2023 (instead of June 7, 2023), claims must be submitted within 90 days of when the Qualifying Failure or Qualifying Fire occurred.
- For the Loss of Value for Certain Sold or Traded-In Vehicles benefit, the vehicle must have been sold or traded in before September 5, 2023, not June 7, 2023.
- For the Qualifying Failure or Qualifying Fire (Loss of Faith) Rebate benefit, the vehicle must have been sold or traded in after September 5, 2023, not June 7, 2023, and the replacement vehicle purchased after September 5, 2023, not June 7, 2023.
- The deadline to opt out and/or object is October 5, 2023, instead of August 7, 2023.
- Class Counsel should be notified of any intention to appear by September 5, 2023, instead of August 7, 2023.

However, as to the parties' proposal not to extend the deadline to install KSDS, the Court sees no reason it should not be extended for class members who received later notice. Accordingly, for class members omitted from the first round of notice, the deadline to install KSDS to qualify for settlement benefits should be extended to **February 2, 2024**.

The Court approves the parties' proposed cover sheet to the long form notice subject to the above modification. Every effort should be made to notify these class members as expeditiously as possible. The Final Fairness Hearing remains set for **September 8, 2023 at 10:30 a.m.** No later than **October 20, 2023**, Kia should provide the Court with an update regarding (1) how many omitted class members elected to opt out; (2) any objections received from these class members; and (3) the progress of the

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notice procedure for omitted class members. The Court will decide at that time whether a further hearing is necessary.

Initials of Deputy Clerk: gga